

**REMARKS**

**A. Status of Claims.**

Favorable reconsideration of this application as presently amended is respectfully requested. Claims 1-28 are currently pending. In this Amendment, Claim 5 has been amended.

**B. Support for Amendments to Specification.**

Support for the amendments to paragraph [0066] of the specification are found in originally filed Claims 5, 7, 9, 18, 20 and 27, as well as elsewhere in the originally filed specification, drawings and claims. Support for the amendments to paragraph [0074] of the specification are found in originally filed Claims 10, 11 and 13, as well as elsewhere in the originally filed specification, drawings and claims.

**C. Examiner Interview.**

Applicants wish to thank the Examiner for the courtesies extended to Applicants' representative during a February 22, 2006, telephone interview (Examiner Interview) in which the outstanding objections to the specification were discussed. Applicants have amended the specification as discussed during the Examiner Interview to include the material from claims 5, 7, 9, 10, 11, 13, 18, 20 and 27. Applicants separate record of the substance of the interview is contained in the comments above and below.

**D. Allowable Claims.**

The Examiner is thanked for indicating that Claims 2-8, 14-16, 18, 20 and 24-26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**E. Objection to Specification has been Obviated by Amendments to Specification.**

At pages 2-3 of the Office Action, the specification is objected to under 37 CFR § 1.75(d)(1) as failing to provide proper antecedent basis for Claims 5, 7, 9, 10, 11, 13, 18, 20 and 27. This rejection has been rendered moot by the above amendments to the specification.

**F. Double Patenting Rejection of Claims 1, 9-13, 17, 19, 21-23, 27 and 28 has been Rendered Moot by the Terminal Disclaimer that Accompanies the Present Amendment.**

At pages 3 and 4 of the of the Office Action, Claims 1, 9-13, 17, 19, 21-23, 27 and 28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable of Claims 1, 3, 5-8, 22-26, 31 and 32 of copending Application No. 10/633,654. This rejection has been rendered moot by the filing of a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) with the present Amendment.

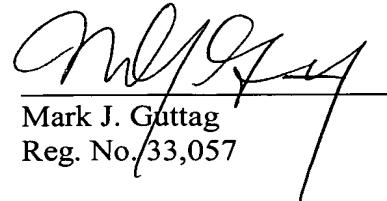
Applicants have submitted the Terminal Disclaimer solely to advance the prosecution of the application, without conceding that the double patenting rejection is properly based. In filing the Terminal Disclaimer, Applicants rely upon the rulings of the Federal Circuit that the filing of such a Terminal Disclaimer does not act as an admission, acquiescence or estoppel on the merits of the obviousness issue. See, e.g., *Quad Environmental Tech v. Union Sanitary Dist.*, 946 F.2d 870, 874-875 (Fed. Cir. 1991); *Ortho Pharmaceutical Corp. v. Smith*, 959 F.2d 936, 941-942 (Fed. Cir. 1992).

**G. Conclusion.**

For the reasons discussed above, all of the currently pending claims are in condition for allowance and favorable action is respectfully solicited.

If the Examiner has any questions or concerns regarding the present response, the Examiner is invited to contact Mark J. Guttag at 703-591-2664, Ext. 2006.

Respectfully submitted,

  
\_\_\_\_\_  
Mark J. Guttag  
Reg. No. 33,057

**JAGTIANI + GUTTAG**  
Democracy Square Business Center  
10363-A Democracy Lane  
Fairfax, Virginia 22030  
703-591-2664

April 17, 2006